

ENTERED

November 23, 2015

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DARRYL JAYVONN LEE,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:15-CV-00330

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

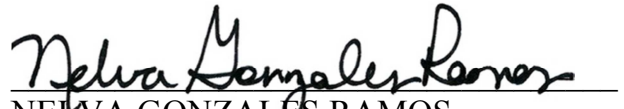
On October 21, 2015, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation” (D.E. 11), recommending that this habeas corpus petition be dismissed as second or successive. The Petitioner was provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 11), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the

findings and conclusions of the Magistrate Judge. Accordingly, the Petition for Writ of Habeas Corpus (D.E. 1) is **DISMISSED WITHOUT PREJUDICE** as second or successive. In the event that Petitioner requests a Certificate of Appealability, that request is **DENIED**.

ORDERED this 23rd day of November, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE